



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/808,894

03/24/2004

Gregory Duane Ellis

73591.000004

7403

21967

7590

08/06/2008

HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

EXAMINER

FOSSELMAN, JOEL W

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

08/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/808,894	Applicant(s) ELLIS, GREGORY DUANE	
	Examiner JOEL FOSSELMAN	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) 13-59 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group I, claims 1-12, in the reply filed on 4/25/08 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amini et al. (US Patent 6,698,021 B1, hereinafter Amini).

Re claim1, Amini discloses in figure 3, an Internet-based recording method that performs all video recording functions over an Internet browser connection established between a user front end and a host back end (col 5 lines 60-66, col 3 lines 29-54), wherein the user front end requires only, a camera (reference character **312**), and access to the Internet browser, the method comprising: recording video material over the Internet browser connection (cols 4 and 5, the private network **340** is a virtual private network that is operative over a public network **350**), wherein video material originates on the user front end and is recorded on the host back end without requiring

recording functionality on the user front end; storing the recorded video material on the host back end (col 5 lines 3-17); and providing access to the recorded video material (col 5 lines 18-38). It should be noted that examiner construes the viewing site and the client site as user front end.

Amini fails to explicitly disclose that the system is operable to record and store audio in accordance with the aforementioned method. Official Notice is taken to note that video cameras used for audio capture are notoriously well known and used in the related art and would have been obvious to utilize for the benefit of providing a recorded audio signal that corresponds to the recorded video signal.

Claim 2 is rejected as applied to claim 1 (col 5 lines 7-11).

Claim 3 is rejected as applied to claim 1 for the reasons stated in claim 2. The video stored in the offsite storage is made available to the client workstation which is illustrated in the form of a computer in figure 3. It is understood that computers are operable to record video and audio data. Therefore, the client workstation enables the re-recording of the video and audio data.

Re claim 4, Amini discloses, the method of claim 1 wherein providing access to the recorded audio and video material comprises: in response to input from the user front end, linking the recorded audio and video material stored at the host back end to a pointer that is placed at an additional location, wherein activating the pointer provides access to the recorded audio and video material stored at the host back end (col 15 lines 1-8, col 13 lines 63-67).

Claim 5 is rejected as applied to claim 4.

Claim 6 is rejected as applied to claim 1 (cols 8-9).

Claim 7 is rejected as applied to claim 6 (col 5 lines 30-33). Amini fails to explicitly disclose that the hyperlink may be copied and pasted to facilitate viewing of the captured data. Official Notice is taken to note copying and pasting hyperlinks in order to access a site is notoriously well known and used in the related art and would have been obvious to utilize for the benefit of quickly accessing the material from another workstation.

Claim 8 is rejected as applied to claim 7. In view of the Amini, one skilled in the art would not have been precluded from selecting the additional location to be an auction site. Said additional location would have been obvious dictated by design choice.

Claim 9 is rejected as applied to claim 1 (col 8 lines 43-51). Altering the speed of playback is a form of editing and is performed on the client workstation after the video is archived.

Re claim 10, Amini fails to explicitly disclose that the audio data stored at the host back end may be re-dubbed in response to a user input from the front end. Official Notice is taken to note that re-dubbing audio signals based on a user input is notoriously well known and used in the related art and would have been obvious to utilize for the benefit of synchronizing the audio with a corresponding video signal.

Claim 11 is rejected as applied to claim 1. The viewing site is an additional location from the storage site where the video is archived.

Claim 12 is rejected as applied to claim 1 (col 12 lines 54-56).

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOEL FOSSELMAN whose telephone number is (571)270-3728. The examiner can normally be reached on 8:00 AM - 7:00 PM M-T, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joel Fosselman/
Examiner, Art Unit 2622
07/31/2008

***/Ngoc-Yen T. VU/
Supervisory Patent Examiner, Art Unit 2622***

Application/Control Number: 10/808,894
Art Unit: 2622

Page 6